10 December 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR PETER TERRY**

**Date of hearing:** 6 December 2019

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall and Ms Marilyn Harbison.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Peter Terry represented himself.

**Charge:** Greyhounds Australasia Rule (GAR) 83(2) states:

The owner, trainer or person in charge of a greyhound-

1. nominated to compete in an Event;
2. presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
3. presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

**Particulars of charge:** On 5 June 2019 at Cranbourne, you presented ‘Smart Zero’ at the Event not free of any prohibited substance, given that:

1. A post-race sample of urine was taken from ‘Smart Zero’ at the Event (**the Sample**); and
2. Sotalol was detected in the Sample.

**Plea:** Guilty

**DECISION**

1. At all material times, Mr Peter Terry was the trainer of the greyhound ‘Smart Zero’. Stewards of Greyhound Racing Victoria (GRV) have charged Mr Terry pursuant to GAR 83(2) with presenting ‘Smart Zero’ for an event whilst not being free of a prohibited substance.
2. ‘Smart Zero’ competed in race 2 at Cranbourne on 5 June 2019. A pre-race urine sample taken from the greyhound showed the presence of Sotalol. Sotalol is a prohibited substance under GAR1. It is used to slow the heart beat and is capable of affecting the performance or condition of a greyhound in a negative way.
3. Mr Terry has a heart condition. He takes Sotalol for that condition. Since been found guilty of breaching GAR83(2) in December 2013 in relation to Sotalol, Mr Terry has been careful to use gloves when feeding his greyhounds but believes that ‘Smart Zero’ may have been contaminated by licking him as he perspired. However, it is not for the Stewards to prove how Sotalol came to be in the sample. The offence is one of absolute liability.
4. Mr Terry has pleaded guilty to the charge. He has co-operated with Stewards. He even considered having an operation so that he no longer needs to take Sotalol. He no longer has contact with racing dogs in the 48 hours up to a race. In December 2013 he was disqualified for 2 months with 1 month suspended in relation to Sotalol. He has a recent prior offence in respect of Procaine. Recent cases in like matters have resulted in a period of disqualification or suspension for at least 3 months.
5. In setting a penalty in this matter we take into account Mr Terry’s circumstances, his prior infractions and the importance of general deterrence and the keeping of a drug free industry. In all the circumstances we suspend Mr Terry for 3 months. That suspension shall commence immediately. ‘Smart Zero’ is disqualified from race 2 at Cranbourne on 5 June 2019.

Mark Howard
Registrar, Victorian Racing Tribunal